COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: March 31, 2014
FILE NO:

OFFICE CORRESPONDENCE

FROM: STEPHEN B. JOHNSON, COMMANDER
CUSTODY SERVICES DIVISION
SPECIALIZED PROGRAMS

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	FO2335565
Incident:	Significant Force
Incident Date:	April 17, 2013
Unit:	Norwalk Station
Suspect:	Daniel Joseph Garcia, MH/12-30-86
Involved Employees:	Deputy Michael McMorrow, #[redacted] Deputy [redacted] #[redacted] Deputy [redacted] #[redacted]
EFRC Date:	March 27, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law enforcement officers are entitled to use the amount of force that is reasonable and necessary to make an arrest, prevent an escape, or overcome resistance.

FINDINGS:

The Norwalk Enforcement Team (NET) deputies and a probation officer were assisting Operations Safe Streets (OSS) and a Narcotics Bureau Majors Team with a search warrant for guns and narcotics at [redacted] Barnwall Street, in the city of Norwalk.

The primary suspect, Daniel Garcia, was seen leaving in a car from another location in Norwalk by a surveillance team. The suspect was seated in the right front passenger's seat of that car and undercover units began following the car. An air unit was overhead advising patrol units of the suspect vehicle's direction. The suspect vehicle entered the parking lot of the Cerritos Towne Center, at which time deputies caught up to it. A Cerritos Station Field Sergeant also arrived and got directly behind the suspect's car and initiated a traffic stop.

As the suspect vehicle stopped, Suspect Garcia fled from the car and was pursued on foot by deputy personnel and the probation officer. As the suspect ran, he held a silver object in his left hand and held onto his front waistband with his right hand. All involved personnel believed the suspect was armed with a firearm. The sergeant broadcasted the foot pursuit on his hand held radio. The suspect ran a short distance when he found himself trapped in an area and surrendered. He put his hands up and lied down on the ground.

A Narcotics Bureau sergeant immediately detained the driver of the vehicle, as the suspect ran from it. The driver was later identified as [redacted] She was ultimately arrested for outstanding warrants.

The foot pursuit covered a distance of approximately one hundred and fifty feet and lasted for approximately fifteen seconds.

Deputies and the probation officer approached the suspect to take him into custody. When one of the deputies took hold of Suspect Garcia's arm he began struggling with the deputies. During the struggle, the deputy punched the suspect in the face 5 to 6 times. The suspect stopped struggling and was handcuffed without further incident.

During the foot pursuit, the suspect discarded the silver object. It was later recovered and found to be a flashlight. A search for a handgun was conducted; however, one was not found.

The suspect was transported to Whittier Presbyterian Hospital for treatment for his injuries. The suspect sustained a fractured nasal bone and a fractured left orbital. The suspect was medically cleared and transported to Norwalk Station for booking.

The suspect was booked for, Possession of an assault weapon, 30605 (a) PC, Possession of a firearm with a prior conviction 29800 (A) (1) PC, Possession of methamphetamine for sales, 11378 H&S, and Resisting a peace officer with injury, 69 PC.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were within Department policy.

RECOMMENDATIONS:

The EFRC recommended the unit commanders of the involved employees' respective units (Narcotics Bureau and Norwalk Station) conduct a tactical debriefing regarding the unique circumstances of this incident. The tactical debriefing is to include the issue of utilizing available tools besides punches to the face to prevent hand injuries, and to reaffirm the roll of the on-scene sergeant as a supervisor and fact finder.

SBJ:JER:jer

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MISCELLANEOUS DOCUMENTS

- Administrative Rights forms
- Norwalk Station PM shift In-service

Los Angel County Sheriff's epartment
Supervisor's Report on Use of Force

Incident Information

URN: 913-03910-0456-151	Date: 04/17/13	Time: 1755	
Location: 12741 Towne Center Drive		City or Station: Cerritos	
Bureau/Station/Facility: Norwalk Sheriff Station		Admin. Investigation: ◉ YES ○ NO	
Type of Force: Personal Weapons/Resisted Handcuffing/Control Hold			
Incident Category: ○ 1 ○ 2 ◉ 3	Deputy Injury: ◉ YES ○ NO	Suspect Injury ◉ YES ○ NO	
☐ Call	☐ Observation	☒ Detail	☒ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO	Person Notified: Lt. Pat Libertone	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #: [redacted]	Last Name: McMorrow	First Name: Michael	Middle I.:	Rank: DSG	
Sex: ◉ M ○ F	Race: W	Height: 6'01"	Weight: 220	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Norwalk Station	Work Assignment (Unit #, Module, etc.): Norwalk Enforcement Team 45D3				
Individual Force Used: Personal Weapons/Resisted Handcuffing	○ Directed ○ Rescue ○ Medical Assist	Individual Category: ○ 1 ○ 2 ◉ 3			
☒ Injured ☒ Treated ☐ Admitted	Facility: HealthPointe La Mirada	Coroner Case #:			

E2

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle I.:	Rank: DSG	
Sex: ◉ M ○ F	Race: H	Height: 6'02"	Weight: 215	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Norwalk Station	Work Assignment (Unit #, Module, etc.): Norwalk Enforcement Team 45D1				
Individual Force Used: Control Hold/Resisted Handcuffing	○ Directed ○ Rescue ○ Medical Assist	Individual Category: ◉ 1 ○ 2 ○ 3			
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #:			

E3

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle I.:	Rank: DSR	
Sex: ◉ M ○ F	Race: W	Height: 5'08"	Weight: 140	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Narcotics Bureau	Work Assignment (Unit #, Module, etc.):				
Individual Force Used: Personal Weapons/Control Hold	○ Directed ○ Rescue ○ Medical Assist	Individual Category: ◉ 1 ○ 2 ○ 3			
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #:			

☒ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Barnes	Todd		Sgt.	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Martinez	Richard		Sgt.	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Evans	Bill		Lt.

Watch Commander / Supervising Lieutenant's **Signature**: ________ Date ________ Copy Provided to Employee by: ________ Emp #: ________

Unit Commander **(Print Name)** ________ Unit Commander's **Signature**: ________ Emp #: ________ Date ________

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

913 - 03910 - 0456 - 151

Suspect Information

S 1

Last Name: Garcia | First Name: Daniel | Middle Name: Joseph | Armed? Select: Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Age: 26 | Height: 5'09" | Weight: 170 | D.O.B: 12/30/86 | Phone #1: ( ) H ( ) W (●) C [redacted] | Phone #2: ( ) H ( ) W ( ) C

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 3530864 | Primary Charge Code: 29800(a)(1)PC | Secondary Charge Code: 69PC | [redacted] Criminal History

Treated on Scene? (●) YES ( ) NO | Name: LA County Fire | Unit: Eng 35 | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: Whittier Presbyterian | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: Doctor Johnson | Address: 12401 Washington Boulevard Whittier | Phone #: 562-698-9267

Under Influence: ( ) YES (●) NO | Substance: | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 04/18/13 | Time: 0120 | ☐ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

913 - 03910 - 0456 - 151

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ramirez	Gilbert	Paul

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty
Cerritos	230S	PM (selected)	Regular (selected)

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		56	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]			

Street Address	City	Zip Code	Phone #1	Phone #2
Los Angeles County Probation Officer #[redacted]			[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ Additional Witness

Supervisor's Report on Use of Force

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Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Garcia	S1	McMorrow	E1	PH	NN	
McMorrow	E1	Garcia	S1	PH	FR	FA
Garcia	S1	McMorrow	E1	RS	NN	
McMorrow	E1	Garcia	S1	CT	NN	
McMorrow	E1	Garcia	S1	RH	NN	
Garcia	S1	[redacted]	E2	PK	NN	
[redacted]	E2	Garcia	S1	CT	NN	
Garcia	S1	[redacted]	E3	RS	NN	
[redacted]	E3	Garcia	S1	PH	NN	
Garcia	S1	[redacted]	E3	RS	NN	
[redacted]	E3	Garcia	S1	CT	NN	
[redacted]	E3	Garcia	S1	RH	NN	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

Investigative Summary
CATEGORY 3 FORCE
(ORBITAL FRACTURE)

UNIT: Norwalk Station
DATE: April 17, 2013, Wednesday
TIME: 1755 hours
LOCATION: 12741 Towne Center Drive, Cerritos, CA. 90703
URN#: 913-03910-0456-151
IAB#: FO2335565

NATURE OF INCIDENT:
On-call Internal Affairs Bureau personnel assumed the handle on a force investigation after learning Suspect Garcia sustained a left orbital fracture and nasal fracture, after being punched by Deputy Michael McMorrow #[redacted] Lieutenant Patrick Libertone of Internal Affairs Bureau was notified; however, due to the time lapse between the incident and the medical diagnosis, Lieutenant Patrick Libertone and Sergeant Richard Martinez responded to Norwalk Station the day after the incident.

The Norwalk Enforcement Team (NET) including Deputies Michael McMorrow #[redacted] #[redacted] and Probation Officer [redacted] #[redacted] was assisting Operations Safe Streets (OSS) and a Narcotics Bureau Majors Team including Reserve Deputy [redacted] #[redacted] and Sergeant [redacted] #[redacted] with a search warrant for guns and narcotics at [redacted] Barnwall Street, in the city of Norwalk. The primary suspect, Daniel Garcia was seen leaving in a car from another location in Norwalk by a surveillance team. Suspect Garcia was seated in the right front passenger's seat of that car and undercover units began following the car. An air unit was overhead advising patrol units of the suspect vehicle's direction. The suspect vehicle entered the parking lot of the Cerritos Towne Center, at which time Deputies McMorrow and [redacted] caught up to it. Cerritos Station Field Sergeant Gilbert Ramirez #[redacted] also arrived and got directly behind the suspect's car and initiated a traffic stop.

As the suspect vehicle stopped, Suspect Garcia fled from the car and was pursued on foot by Sergeant Ramirez and Deputies McMorrow, [redacted] and Probation Officer [redacted] As Suspect Garcia ran he held a silver object in his left hand and held onto his front waistband with his right hand. All involved personnel believed Suspect Garcia was armed with a firearm. Sergeant Ramirez broadcasted the foot pursuit on his hand held radio. Suspect Garcia ran a short distance when he found himself trapped in an area and surrendered. He put his hands up and lied down on the ground.

Sergeant [redacted] immediately detained the driver of the vehicle, as Suspect Garcia ran from it. The driver was later identified as [redacted] with a birthdate of [redacted] She was ultimately arrested for outstanding warrants.

The foot pursuit covered a distance of approximately one hundred and fifty feet and lasted for approximately fifteen seconds.

A sheriff's department incident report as well as supplemental reports were prepared by the involved personnel and are included with this case as **Exhibit A.**

A compact disc containing the audio recording of the foot pursuit and a Foot Pursuit Evaluation form are included with this case as **Exhibit B.**

Deputies McMorrow, [redacted] and Officer [redacted] approached Suspect Garcia to take him into custody. When Deputy McMorrow took hold of Suspect Garcia's arm he began struggling with the deputies. During the struggle, Deputy McMorrow punched Suspect Garcia in the face 5 to 6 times. Suspect Garcia stopped struggling and was handcuffed without further incident.

During the foot pursuit Suspect Garcia discarded the silver object. It was later recovered and found to be a flashlight. A search for a handgun was conducted, however one was not found.

Suspect Garcia was transported to Whittier Presbyterian Hospital for treatment for his injuries. Suspect Garcia sustained fractures to his nasal bone, and a fractured left orbital. Deputies received an Ok to book Suspect Garcia and he was transported to Norwalk Station.

Suspect Garcia was booked for, Possession of an assault weapon, 30605 (a) PC, Possession of a firearm with a prior conviction 29800 (a) (1) PC, Possession of methamphetamine for sales, 11378 H&S. He was also charged with resisting a peace officer with injury, 69 PC.

A video of the path taken during the foot pursuit and where the force occurred is included with this case as **Exhibit C.**

INVOLVED PERSONNEL:

McMorrow, Michael - Deputy, #[redacted]
Norwalk Station
Unit #45D3
South Patrol Division

Date of Employment:	04-19-01
Date Assigned to NWK:	03-16-08
Prior Shooting Incident(s):	One

Prior Founded Force Incidents: [redacted]

[redacted] - Deputy, #[redacted]
Norwalk Station
Unit #45D1
South Patrol Division

Date of Employment:	03-23-05
Date Assigned to NWK:	03-21-10
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	

[redacted] - Deputy, #[redacted]
Narcotics Bureau
Detective Division

Date of Employment:	09-11-94
Date Assigned to NAR:	[redacted]
Prior Shooting Incident(s):	
Prior Founded Force Incidents:	

INVOLVED SUSPECT:
Garcia, Daniel Joseph

Sex:	Male
Race:	Hispanic
Date of Birth:	December 30, 1986
Height:	509
Weight:	170
Booking #	3530864
Charge:	29800(a)(1) PC, Possession of Firearm by Convicted Felon
Injury:	Fractured left orbital, nasal fracture

The Consolidated Criminal History System reveals [redacted] A copy of Suspect Garcia's criminal history is included with this case as **Exhibit D.**

SUSPECT INJURIES:
Suspect Garcia sustained a left orbital floor blowout fracture, as well as bilateral nasal fractures. He also complained of pain to the back of his head.

Suspect Garcia was treated at the Presbyterian Intercommunity Hospital and was approved for booking at the USC-Medical Center Jail ward. The approval for booking paper work and Jail Medical Records are included with this case as **Exhibit E.**

DEPUTY PERSONNEL INJURIES:
Deputy McMorrow had swelling and abrasions to his right hand. He was treated at Healthpointe of La Mirada for his injuries. Photographs of his injuries are included with this case as **Exhibit F.**

PHYSICAL EVIDENCE:
No physical evidence was collected at the scene.

INVESTIGATORS OBSERVATIONS:
Sergeant Martinez took digital photos of the scene where the use of force occurred. The photos are included with this case as **Exhibit G.**

WEAPONS USED BY DEPUTY PERSONNEL:
Personal weapons: Hands

WEAPONS USED BY SUSPECT:
Personal weapons: Hands and feet.

PROPERTY DAMAGE:
None.

WEATHER AND LIGHTING CONDITIONS:
The incident occurred on a clear day at 1755 hours.

CHARGES FILED AND DISPOSITION:
Possession of an assault weapon, 30605 (a) PC, Possession of a firearm with a prior conviction 29800 (a) (1) PC, Possession of methamphetamine for sales, 11378 H&S and Resisting a peace officer with injury, 69 PC under case#VA129520 were filed. He was convicted of 29800(a)(1) PC, 11378 H&S and 69 PC.

WITNESSES:
Sergeant Gilbert Ramirez, #[redacted] was interviewed on December 12, 2013, at 1302 hours by Sergeant Richard Martinez. Sergeant Ramirez was represented by Teresa Machado from PPOA. The following is a summary of the interview, which was digitally recorded. For the complete IAB interview, refer to the IAB audio files and/or Sergeant Ramirez's verbatim transcript, which is listed under the "Transcriptions" section of the case book.

Sergeant Ramirez said he heard Detective [redacted] ask a Cerritos unit for help in conducting a traffic stop. Sergeant Ramirez saw the vehicle and conducted a traffic stop in the Cerritos Towne Center. As he initiated the traffic stop he saw several undercover cars and a black and white behind him.

As the vehicle came to a stop, a male Hispanic (later identified as Suspect Daniel Garcia) exited the passenger side and started running northbound towards the shopping center. Suspect Garcia was holding a silver object in his right hand as he ran. Believing he was armed with a handgun, Sergeant Ramirez initiated a foot pursuit along with several deputies that were behind him. Sergeant Ramirez broadcasted the information over his portable radio and followed Suspect Garcia into the shopping center.

As he chased Suspect Garcia he gave him orders to stop and drop the gun. Suspect Garcia threw the silver object and continued running for approximately twenty feet before stopping and laying on the ground.

Sergeant Ramirez said after Suspect Garcia laid on the ground he started to try and get up. This occurred once the deputies were trying to handcuff him. Suspect Garcia was swinging his arms, throwing his elbows back and flailing his legs. Sergeant Ramirez saw Deputy McMorrow punch Suspect Garcia approximately five times in the face during the struggle. He also saw Deputy [redacted] holding Suspect Garcia's ankles.

Suspect Garcia was ultimately handcuffed, however Sergeant Ramirez did not see it occur, as he was on the radio giving directions to responding units and directing deputies to recover the gun. A search for a handgun was conducted which met with negative results. The silver object was recovered and was found to be a flashlight.

Sergeant Ramirez said the force used was reasonable and necessary.

Sergeant Ramirez wrote a supplemental report detailing his actions and observations during this incident. His supplemental report is included with this case as **Exhibit A.**

Probation Officer [redacted] **#**[redacted] was interviewed on February 11, 2014, at 1359 hours by Sergeant Richard Martinez. The following is a summary of the interview, which was digitally recorded. For the complete IAB interview, refer to the IAB audio files and/or Officer [redacted] verbatim transcript, which is listed under the "Transcriptions" section of the case book.

Officer [redacted] said he is assigned to a probation department intensive gang supervision program and is contracted by the city of Norwalk. He is currently assigned to the Norwalk Enforcement Team based out of Norwalk Sheriff's Station. On April 17, 2013, he was assisting Operation Safe Streets and Major Crimes in the service of a search warrant. The search warrant was in regards to an incident that occurred on March 21, 2013. In that incident Suspect Daniel Garcia ran from Deputy McMorrow and Officer [redacted] while armed with a handgun. That incident was documented under file number 913-03910-0456-151 and a copy of the report is included as **Exhibit A.**

While assisting with the search warrant, he and Deputy [redacted] responded to the Cerritos Towne Center to aid in a traffic stop of Suspect Garcia. Suspect Garcia's vehicle was stopped by Sergeant Ramirez and Suspect Garcia immediately ran from the vehicle towards a courtyard area of the Cerritos Towne Center.

Officer [redacted] Sergeant Ramirez and Deputies McMorrow and [redacted] all ran after him.

Officer [redacted] believed Suspect Garcia had a firearm or large amount of drugs on his person, as he kept his right hand in his waistband as he ran.

Once Suspect Garcia reached a dead end near the fountain area he stopped running and dropped to his knees, as Sergeant Ramirez was giving him orders to not move or make furtive movements. Deputy McMorrow approached Suspect Garcia and grabbed his right arm. Suspect Garcia responded by striking Deputy McMorrow with his elbow and Deputy McMorrow punched Suspect Garcia several times in the face/head area which caused Suspect Garcia to fall face first to the ground, with his left hand under his body.

Deputy McMorrow was telling Suspect Garcia to stop fighting and put his hands behind his back, however Suspect Garcia refused. Deputy McMorrow punched Suspect Garcia a few more times in the face/head area, which caused his left arm to come out and allow Officer [redacted] to place a handcuff on it. As this was occurring Deputy [redacted] grabbed Suspect Garcia's legs and held onto them. An unidentified deputy helped control Suspect Garcia's right arm and they were able to handcuff him without further incident.

[redacted] was interviewed on December 5, 2013, at 1048 hours by Sergeant Richard Martinez. The following is a summary of the interview, which was digitally recorded. For the complete IAB interview, refer to the IAB audio files and/or [redacted] verbatim transcript, which is listed under the "Transcriptions" section of the case book. Witness [redacted] was also interviewed the day of the incident on videotape by Sergeant Todd Barnes. That video is included with the case as **Exhibit C.**

Witness [redacted] said he was eating with a group of people inside a restaurant when he saw a male Hispanic running; with deputies chasing him on foot. As the male Hispanic ran he was fumbling with his pockets, as if he was pulling things from them.

IAB NOTE: Witness [redacted] told me the friends he was eating with did not want to get involved with the incident. After my interview with him I gave him my business Card and told him to give my information to his friends In case they changed their minds. I was not contacted by anyone from the group.

The male Hispanic stopped running and laid face down on the ground on his own. Witness [redacted] looked away and when he looked back he saw several deputies searching the male. He looked away and when he looked back again he saw the male struggling with the deputies. He said the male appeared to be pulling his arms away, however it did not appear that he was attempting to get up. He remembers seeing a deputy with his knee on the upper back/base of the neck area of the male, however he never saw a deputy strike the male.

Eventually the male was restrained, lifted from the ground and taken away. He did not see the deputies struggle or use force on the male after he was restrained.

Witness [redacted] said after the incident was over he learned the deputies thought the male had a gun on him. To him the actions by the deputies were reasonable given that fact.

> **IAB NOTE:** Sergeant Todd Barnes responded to the scene and canvassed for witnesses. The only person he identified as witnessing the force was Witness [redacted]

INVOLVED EMPLOYEE STATEMENTS:

Deputy Michael McMorrow, #[redacted] was interviewed on February 13, 2014, at 1049 hours by Internal Affairs Bureau Sergeants Richard Martinez and Louis Vigil. The interview was digitally recorded and transcribed. The following is a summary of his interview. For the complete IAB interview, refer to the IAB audio files and/or Deputy McMorrow's verbatim transcript, which is listed under the "Transcriptions" section of the case book

Deputy McMorrow was assigned to the Norwalk Enforcement Team based out of Norwalk Sheriff's Station. On April 17, 2013, he was assisting Operation Safe Streets and Major Crimes in the service of a search warrant. The search warrant was in regards to an incident that occurred on March 21, 2013. In that incident Suspect Daniel Garcia ran from Officer [redacted] and himself while armed with a handgun. That incident was documented under file number 913-03910-0456-151 and a copy of the report is included as **Exhibit A.**

While assisting with the search warrant, he responded to the Cerritos Towne Center to aid in a traffic stop of Suspect Garcia. Suspect Garcia's vehicle was stopped by Sergeant Ramirez and Suspect Garcia immediately ran from the vehicle towards a courtyard area of the Cerritos Towne Center. Sergeant Ramirez, Deputy [redacted] Officer [redacted] and himself all ran after him. He did not put out radio traffic in regards to the foot pursuit as his handheld radio was on the tactical frequency and Sergeant Ramirez was broadcasting the foot pursuit.

Deputy McMorrow said as Suspect Garcia was running, he had a small shiny object in his left hand and his right hand was clutched to the front of his waistband. Deputy McMorrow believed Suspect Garcia was holding a firearm in his waistband and was holding his waistband to keep it in place. He based this on his past experience with gang members and Suspect Garcia specifically. Deputy McMorrow knew Suspect Garcia was a documented Varrio Norwalk gang member and these were the same type of motions he saw when Suspect Garcia [redacted]

Suspect Garcia ultimately stopped running and laid face down on the ground as ordered. Deputy McMorrow, Sergeant Ramirez and Deputy [redacted] approached Suspect Garcia. Deputy McMorrow attempted to grab Suspect Garcia's right arm. Suspect Garcia rolled to his left side and elbowed Deputy McMorrow in the rib cage. Deputy McMorrow told him to stop fighting; however Suspect Garcia was now wildly swinging his right elbow, as his left hand/arm moved towards his waistband.

Deputy McMorrow punched Suspect Garcia three to four times in the face in an effort to end the situation as quickly as possible. Deputy McMorrow believed Suspect Garcia was armed, had not been searched and the safety of the public was paramount in his mind before he struck Suspect Garcia. The initial strikes were ineffective as Deputy [redacted] now had hold of Suspect Garcia's legs.

Suspect Garcia continued to swing his elbow and Deputy McMorrow punched him in the face two to three more times. Officer [redacted] was able to control Suspect Garcia's left arm and he and another deputy were able to control his right arm. Suspect Garcia was then handcuffed.

Deputy McMorrow wrote a supplemental report detailing his actions and observations during this incident. His supplemental report is included with this case as **Exhibit A.**

Deputy [redacted] **#**[redacted] was interviewed on December 12, 2013, at 1129 hours by Internal Affairs Bureau Sergeant Richard Martinez. The interview was digitally recorded and transcribed. The following is a summary of his interview. For the complete IAB interview, refer to the IAB audio files and/or Deputy [redacted] verbatim transcript, which is listed under the "Transcriptions" section of the case book.

Deputy [redacted] said on April 17, 2013, he was assigned to the Norwalk Enforcement Team and was assisting Operation Safe Streets and Major Crimes with the service of a search warrant on Daniel Garcia for possession of a firearm. Deputy [redacted] knew Daniel Garcia was a Varrio Norwalk gang member and has a history of running from law enforcement. People have also been arrested leaving his house with guns, as well as running into his house with guns. The search warrant was for an incident in which Daniel Garcia ran from Deputy [redacted] partners while armed with a handgun.

During the service of the search warrant a surveillance unit requested help in conducting a traffic stop of a vehicle in which they believed Daniel Garcia was in. The vehicle entered the Cerritos Towne Center and a traffic stop was conducted. Daniel Garcia ran from the vehicle during the traffic stop and was chased by Sergeant Ramirez, Deputy McMorrow and himself. As Daniel Garcia ran from the vehicle it appeared he was holding onto his waistband. Sergeant Ramirez was broadcasting the foot pursuit information on the radio as they chased him.

Daniel Garcia ultimately stopped running and complied with Sergeant Ramirez's orders to lie on the ground. Deputy McMorrow and Officer [redacted] approached on each side and right before they made physical contact with Daniel Garcia he turned to his left side and swung his right elbow towards Deputy McMorrow. Daniel Garcia also moved his right knee forward and it appeared he was going to try and get up. It appeared the elbow missed Deputy McMorrow and Deputy [redacted] moved towards Daniel Garcia's legs in order to keep them from moving. He placed his left knee on Daniel Garcia's upper left leg/buttocks area and grabbed the right leg with his hands.

Deputy [redacted] saw Deputy McMorrow strike Daniel Garcia in the face one time. It occurred as Deputy McMorrow and Officer [redacted] were trying to control his arms and Daniel Garcia was able to move his left hand under his body. Immediately after the strike Daniel Garcia was handcuffed.

Deputy [redacted] wrote a supplemental report detailing his actions and observations during this incident. His supplemental report is included with this case as **Exhibit A.**

Deputy [redacted] #[redacted] was interviewed on December 2, 2013, at 0901 hours by Internal Affairs Bureau Sergeant Richard Martinez. The interview was digitally recorded and transcribed. The following is a summary of his interview. For the complete IAB interview, refer to the IAB audio files and/or Deputy [redacted] verbatim transcript, which is listed under the "Transcriptions" section of the case book

Deputy [redacted] said he had Daniel Garcia under surveillance as he was known to run from law enforcement and in the previous month had discarded a firearm while evading them.

Deputy [redacted] responded to a traffic stop involving Daniel Garcia at the Cerritos Towne Center. Daniel Garcia ran from the traffic stop and was chased by Deputy [redacted] and other deputies. Daniel Garcia stopped running after approximately 20 seconds and said he gave up, as he raised his arms. At this time Deputy [redacted] looked away from him and scanned the area for a weapon, as Daniel Garcia was reaching in his waistband during the foot pursuit. When he looked back he saw deputies taking Daniel Garcia to the ground. He said Daniel Garcia was slightly bent forward in a lunging position and Deputy McMorrow was behind him and brought him to the ground. Daniel Garcia landed on his stomach and tried getting up by bringing his knees up. He also kept jamming his right hand under his body towards his waistband. This movement caused concern for Deputy [redacted] as he thought Daniel Garcia had a weapon on him, as he did not see one discarded. Deputy [redacted] tried to grab Daniel Garcia's right arm in an effort to keep it from under his body and punched him in the flank area three times before gaining control.

Deputy [redacted] saw Officer [redacted] use a control hold on the left arm of Daniel Garcia to gain compliance. He also saw Deputy McMorrow's body move as if he was striking Daniel Garcia, however this was from his peripheral vision during the struggle. He did not see how many times Deputy McMorrow struck Daniel Garcia, or where the strikes landed, as he was focused on Daniel Garcia's arms.

Deputy [redacted] wrote a supplemental report detailing his actions and observations during this incident. His supplemental report is included with this case as **Exhibit A.**

SUSPECT STATEMENT:

Suspect Daniel Garcia was interviewed in the Norwalk Sheriff's Station jail by Sergeant Mark Wilkening and Lieutenant Michael Inge. The interview was video recorded. A copy of the interview; as well as photographs of Suspect Garcia's injuries are included with this case as **Exhibit H.** The following is a summary of his interview. For the complete interview, refer to the IAB audio files and/or Suspect Garcia's verbatim transcript, which is listed under the "Transcriptions" section of the case book.

Suspect Garcia said as he got pulled over he exited the car real fast. He started to jog away from the deputies and stopped when he was told to. After he stopped he laid face down on the ground with his hands on his head. As he was laying on the ground a deputy started hitting him in the face, as other deputies were twisting his arms.

Suspect Garcia said he did not fight with the deputies and never attempted to get up from the ground.